

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LANDMEN PARTNERS INC., Individually : Civil Action No. 08-cv-03601-HB-FM
and On Behalf of All Others Similarly Situated, :

Plaintiff, :

vs. :

THE BLACKSTONE GROUP L.P., et al., :

Defendants. :

CLASS ACTION

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>8/13/13</u>
DATE FILED: <u>8/13/13</u>

[PROPOSED]

**ORDER DISMISSING CLAIMS UNDER SECTION 12(a)(2)
OF THE SECURITIES ACT OF 1933 PREJUDICE**

WHEREAS, the above-captioned action (the “Action”) is a putative class action brought by plaintiffs Martin Litwin and Francis Brady (“Plaintiffs”) against defendants The Blackstone Group, L.P. (“Blackstone”), Stephen A. Schwarzman, Peter J. Peterson, Hamilton E. James, and Michael A. Puglisi (collectively, “Defendants”), alleging violations of Sections 11, 12(a)(2) and 15 of the Securities Act of 1933 (the “1933 Act”);

WHEREAS, the trial of the Action is currently scheduled to commence on September 16, 2013;

WHEREAS, Plaintiffs and Defendants have agreed pursuant to a Stipulation Regarding Class Certification dated August __, 2013, annexed hereto as Exhibit A (the “Stipulation”), to, among other things, the dismissal of Plaintiffs’ alleged claims under Section 12(a)(2) of the 1933 Act;

WHEREAS, such voluntary dismissal complies with the requirements of Rule 23(e) of the Federal Rules of civil Procedure;

WHEREAS, Plaintiffs have received no financial inducement for their agreement to such dismissal and Defendants have offered no financial inducement for such dismissal; and

WHEREAS, good cause for the relief requested has been shown,

IT IS HEREBY ORDERED, THAT:

Pursuant to 41(a)(1)(A)(ii) of the Federal Rule of Civil Procedure, upon the Stipulation of all parties who have appeared in the Action, the claims asserted in the Action under Section 12(a)(2) under the 1933 Act against Defendants in Count II of Plaintiffs' Consolidated Amended Class Action Complaint dated October 27, 2008 ("Complaint") are dismissed, with prejudice, with each side to bear its, his and her own costs and attorneys' fees.

Nothing in this Order shall dismiss or shall be deemed to have dismissed the claims in Counts I and III of the Complaint in this Action brought pursuant to Sections 11 and 15 of the 1933 Act..

Dated: August 13, 2013



THE HONORABLE HAROLD BAER, JR.
UNITED STATES DISTRICT JUDGE